

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN ERNST,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

Case No. 2:20-cv-01716-JAM-JDP (HC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Petitioner, proceeding without counsel, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. On December 22, 2020, the court screened petitioner's petition for writ of habeas corpus and notified petitioner that it failed to state a claim. ECF No. 14. Petitioner was granted thirty days to either file an amended petition or to inform the court that he chooses to stand by his original petition. *Id.* at 2. Petitioner did neither. Accordingly, on February 26, 2021, petitioner was ordered to show cause within twenty-one days why this action should not be dismissed for his failure to prosecute and for failure to state a claim. ECF No. 15. Petitioner was notified that if he wished to continue with this action he must file, within twenty-one days, an amended petition. *Id.* He was also warned that his failure to comply with the court's order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and petitioner has not filed an amended petition nor otherwise
2 responded to the February 26, 2021 order. Accordingly, it is hereby RECOMMENDED that:

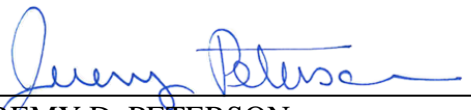
3 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
4 and for failure to state a claim for the reasons set forth in the court's December 22, 2020 order.

5 2. The Clerk of Court be directed to close the case.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, any party may file written
9 objections with the court and serve a copy on all parties. Such a document should be captioned
10 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
11 objections shall be served and filed within fourteen days after service of the objections. The
12 parties are advised that failure to file objections within the specified time may waive the right to
13 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
14 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

15
16 IT IS SO ORDERED.

17 Dated: April 6, 2021

18 
19 JEREMY D. PETERSON
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28